

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This document relates to: ALL ACTIONS

ORDER

HILDY BOWBEER, United States Magistrate Judge

This matter is before the Court on Smithfield Foods, Inc.’s Motion for Protective Order Regarding Plaintiffs’ Non-Party Subpoena to Verizon Wireless [ECF No. 651], concerning a subpoena dated December 29, 2020 (“Subpoena”), which was served by Plaintiffs on Cellco Partnership d/b/a Verizon Wireless (“Verizon”).

Smithfield Foods’ counsel also filed a “Certificate of Conference” summarizing the efforts made to resolve the dispute without the need for motion practice [ECF No. 651 at 3]. Smithfield Foods’ counsel and Plaintiffs’ counsel discussed three potential solutions, one of which requires additional time next week for Plaintiffs’ counsel to consider. The Court will afford counsel that time, and directs Smithfield Foods’ counsel and Plaintiffs’ counsel to complete the meet-and-confer process. Smithfield Foods must file a meet-and-confer statement reporting on the outcome of those discussions on or before **January 27, 2021**. If that report indicates that further meet-and-confer efforts are likely to be fruitful, Smithfield Foods should state when a final meet-and-confer statement will be filed. Plaintiffs may, if they choose, defer filing their response to the motion until seven days after the final meet-and-confer statement is filed.

In addition, Smithfield Foods' counsel did not call chambers to obtain a hearing date before filing the motion, nor did it file a notice of hearing, as required by Local Rule 7.1(b)(1)(B). Counsel is directed to call chambers promptly to obtain a hearing date and then file a notice of hearing.

In the meantime, in view of the incomplete meet-and-confer process, the issues raised by the motion, and the nature of the relief requested, the Court finds it appropriate to instruct Verizon to defer producing records in response to the Subpoena until further order of this Court. Smithfield Foods' counsel shall promptly fax a copy of this Order to Verizon.

IT IS SO ORDERED.

Dated: January 25, 2021

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge